

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

THOMAS R. HARGROVE and
MICHAEL S. NOVAK,

Plaintiffs,

v.

TODD R. FREDRICKSON, KEVIN
LORESCH, DEPARTMENT OF
CORRECTIONS,

Defendants.

CASE NO. C10-0363RBL

ORDER

THIS MATTER comes on before the above-entitled court upon Plaintiff Hargrove's Motion for Leave to Proceed *In Forma Pauperis* on Appeal [Dkt. #38]. Having considered the entirety of the records and file herein, the Court finds and rules as follows:

The record reflects that Hargrove and Novak originally filed this case in Thurston County Superior Court. The record further reflects that Hargrove was granted leave to proceed *in forma pauperis* by the State Court. Thereafter, Defendants removed the case to this Court. Hargrove therefore was never required to request *in forma pauperis* status in this Court, and thus was never permitted to proceed *in forma pauperis* here. See Fed. R. App. P. 24(a)(3).

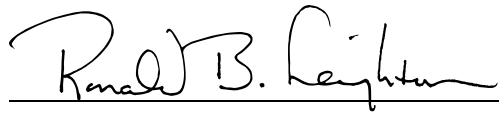
1 The instant motion is considered under Fed. R. App. P. 24(a)(1). Under that rule the
2 motion fails because it does not conform to Form 4 of the Appendix of Forms, does not claim an
3 entitlement to redress, and does not state the issues he plans to present on appeal.

4 Plaintiff Hargrove's Motion for Leave to Proceed *In Forma Pauperis* on Appeal [Dkt.
5 #38] is **DENIED**.

6 **IT IS SO ORDERED.**

7 The Clerk shall send uncertified copies of this order to all counsel of record, to any party
8 appearing pro se, and to the United States Court of Appeals for the Ninth Circuit.

9 Dated this 10th day of June, 2011.

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12 RONALD B. LEIGHTON
13 UNITED STATES DISTRICT JUDGE
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